

Kevin J. Curtis, WSBA No. 12085  
WINSTON & CASHATT, LAWYERS, a  
Professional Service Corporation  
601 W. Riverside, Ste. 1900  
Spokane, WA 99201  
Telephone: (509) 838-6131

Charles L. Babcock IV (*admitted pro hac vice*)  
cbabcock@jw.com  
Texas Bar No. 01479500  
William J. Stowe (*admitted pro hac vice*)  
wstowe@jw.com

Texas Bar No. 24075124  
JACKSON WALKER L.L.P.  
1401 McKinney Street  
Suite 1900  
Houston, Texas 77010  
(713) 752-4360 (telephone)  
(713) 308-4116 (facsimile)

Attorneys for Defendants CXO Media, Inc. and Steve Ragan

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

RIVER CITY MEDIA, LLC, a Wyoming  
limited liability company, MARK  
FERRIS, an individual, MATT FERRIS,  
an individual, and AMBER PAUL, an  
individual,

Plaintiffs,

vs.

No. 2:17-cv-105-SAB

DEFENDANT STEVE RAGAN'S  
ANSWER TO FIRST AMENDED  
COMPLAINT

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1 KROMTECH ALLIANCE  
2 CORPORATION, a German corporation,  
3 CHRIS VICKERY, an individual, CXO  
4 MEDIA, INC., a Massachusetts  
5 corporation, INTERNATIONAL DATA  
6 GROUP, INC., a Massachusetts  
7 corporation, and STEVE RAGAN, an  
individual, and DOES 1-50,

Defendants.

8 Defendant Steve Ragan ("Ragan") respectfully submits this Answer to Plaintiffs'  
9 First Amended Complaint ("Complaint") (ECF No. 110) as follows:

10  
11 I.

12 **RESPONSES TO PLAINTIFFS' ALLEGATIONS**

13 1-2. Ragan is without sufficient information at this time to admit or deny the  
14 allegations in paragraphs 1-2 of the Complaint and therefore denies the allegations  
15 pursuant to Fed. R. Civ. P. 8(b)(5).

16  
17 3. Denied.

18 4-5. Ragan is without sufficient information at this time to admit or deny the  
19 allegations in paragraphs 4-5 of the Complaint and therefore denies the allegations  
20 pursuant to Fed. R. Civ. P. 8(b)(5).

21  
22 6. Denied.

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1           7. Ragan denies that he engaged in any illegal actions causing any damage to  
2 Plaintiffs' businesses, reputations, livelihoods, and physical or mental health. Ragan is  
3 without sufficient information at this time to admit or deny the remaining allegations in  
4 paragraphs 7 of the Complaint and therefore denies the allegations pursuant to Fed. R.  
5 Civ. P. 8(b)(5).  
6

7           8. Ragan is without sufficient information at this time to admit or deny the  
8 allegations in paragraphs 8 of the Complaint and therefore denies the allegations pursuant  
9 to Fed. R. Civ. P. 8(b)(5). Ragan, however, denies any wrongdoing or that Plaintiffs are  
10 entitled to any relief.  
11

12           9. Ragan admits that this Court has subject matter jurisdiction under 28 U.S.C.  
13 § 1332.  
14

15           10. Ragan admits that this Court has subject matter jurisdiction under 28 U.S.C.  
16 § 1331.  
17

18           11. Ragan admits that this Court has subject matter jurisdiction under 28 U.S.C.  
19 § 1331.  
20

21           12. Ragan admits that this Court has subject matter jurisdiction under 28 U.S.C.  
22 § 1331.  
23

24           13. Ragan admits that this Court has subject matter jurisdiction under 28 U.S.C.  
§ 1331.

1           14. Ragan admits that this Court has supplemental jurisdiction under 28 U.S.C.  
2 § 1367.

3           15. Ragan admits that the Court has personal jurisdiction over Ragan but  
4 otherwise denies the allegations in paragraph 15.

5           16. Ragan admits that the Court has personal jurisdiction over CXO, that Ragan  
6 is an employee of CXO, and that CXO had the right to control Ragan but otherwise  
7 denies the allegations in paragraph 16.

8           17. Ragan is without sufficient information at this time to admit or deny the  
9 allegations in paragraphs 17 of the Complaint and therefore denies the allegations  
10 pursuant to Fed. R. Civ. P. 8(b)(5).

11           18. Ragan admits that venue is proper but denies any acts of illegal computer  
12 access.

13           19-24. Ragan is without sufficient information at this time to admit or deny  
14 the allegations in paragraphs 19-24 of the Complaint and therefore denies the allegations  
15 pursuant to Fed. R. Civ. P. 8(b)(5).

16           25. Admitted.

17           26. Ragan is without sufficient information at this time to admit or deny the  
18 allegations in paragraph 26 of the Complaint and therefore denies the allegations pursuant  
19 to Fed. R. Civ. P. 8(b)(5).

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1           27. Ragan admits that he is an employee of CXO but denies the remaining  
2 allegations of paragraph 27.

3           28-39. Ragan is without sufficient information at this time to admit or deny  
4 the allegations in paragraphs 28-39 of the Complaint and therefore denies the allegations  
5 pursuant to Fed. R. Civ. P. 8(b)(5).  
6

7           40. Admitted.

8           41. Admitted except that the actual quote was: "This is the story of how River  
9 City Media (RCM), Alvin Slocombe, and Matt Ferris, accidentally exposed their entire  
10 operation to the public after failing to properly configure their Rsync backups."  
11

12           42. Ragan admits that the article included the quote "This is the story of how  
13 River City Media (RCM), Alvin Slocombe, and Matt Ferris, accidentally exposed their  
14 entire operation to the public after failing to properly configure their Rsync backups."  
15 Ragan otherwise denies the allegations in paragraph 42.  
16

17           43. Ragan is without sufficient information at this time to admit or deny the  
18 allegation in paragraph 43 of the Complaint regarding what "River City's records show"  
19 and therefore denies the allegation pursuant to Fed. R. Civ. P. 8(b)(5). The remaining  
20 allegations in paragraph 43 are denied.  
21

22           44-50. Ragan is without sufficient information at this time to admit or deny  
23 the allegations in paragraphs 44-50 of the Complaint and therefore denies the allegations  
24

1 pursuant to Fed. R. Civ. P. 8(b)(5).

2 51. Ragan denies ever publicly announcing an unlawful computer hacking by  
3 Ragan. Ragan is without sufficient information at this time to admit or deny the  
4 remaining allegations in paragraph 51 of the Complaint and therefore denies the  
5 allegations pursuant to Fed. R. Civ. P. 8(b)(5).

6 52. Ragan is without sufficient information at this time to admit or deny the  
7 allegations in paragraph 52 of the Complaint and therefore denies the allegations pursuant  
8 to Fed. R. Civ. P. 8(b)(5).

9 53. Ragan denies that he “purposefully attack[ed] and compromise[ed] River  
10 City’s Zabbix server” and “effectively hamstrung River City’s ability to detect and stop  
11 their cyberattack.” Ragan is without sufficient information at this time to admit or deny  
12 the remaining allegations in paragraph 53 of the Complaint and therefore denies the  
13 allegations pursuant to Fed. R. Civ. P. 8(b)(5).

14 54. Denied as to Ragan. Ragan is without sufficient information at this time to  
15 admit or deny the allegations in paragraph 54 of the Complaint as they relate to other  
16 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

17 55-58. Ragan is without sufficient information at this time to admit or deny  
18 the allegations in paragraphs 55-58 of the Complaint and therefore denies the allegations  
19 pursuant to Fed. R. Civ. P. 8(b)(5).

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1        59. Denied as to Ragan. Ragan is without sufficient information at this time to  
2 admit or deny the allegations in paragraph 59 of the Complaint as they relate to other  
3 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).  
4

5        60. Denied as to Ragan. Ragan is without sufficient information at this time to  
6 admit or deny the allegations in paragraph 60 of the Complaint as they relate to other  
7 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).  
8

9        61. Ragan denies that he misappropriated or converted any funds and admits that  
10 he would have had no authority to do so.

11        62. Denied.

12        63. Denied as to Ragan. Ragan is without sufficient information at this time to  
13 admit or deny the allegations in paragraph 63 of the Complaint as they relate to other  
14 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).  
15

16        64. Ragan is without sufficient information at this time to admit or deny the  
17 allegations in paragraph 64 of the Complaint and therefore denies the allegations pursuant  
18 to Fed. R. Civ. P. 8(b)(5).  
19

20        65-66. Denied.

21        67. Ragan admits that he authored the article titled "Spammers expose their  
22 entire operation through bad backups" located at  
23 <https://www.csoononline.com/article/3176433/security/spammers-expose-their-entire->  
24



1 operation-through-bad-backups.html dated March 6, 2017 ("Ragan Article"). Ragan  
2 admits that there is an article titled "Spammergate: The Fall of an Empire" located at  
3 <https://mackeeper.com/blog/post/339-spammergate-the-fall-of-an-empire> dated June 3,  
4 2017 ("Vickery Article"). Ragan denies the remaining allegations in paragraph 67.

6 68. Ragan admits that the Vickery Article states that "RCM masquerades as a  
7 legitimate marketing firm while, per their own documentation, being responsible for up to  
8 a billion daily email sends." Ragan admits that the Vickery Article includes the words  
9 "illegal hacking". Ragan denies the remaining allegations of paragraph 68.

11 69. Ragan is without sufficient information at this time to admit or deny the  
12 allegations in paragraph 69 of the Complaint and therefore denies the allegations pursuant  
13 to Fed. R. Civ. P. 8(b)(5). Ragan denies wrongfully causing any harm to RCM.

15 70. Ragan denies making any defamatory statements. Ragan is without  
16 sufficient information at this time to admit or deny the remaining allegations in paragraph  
17 70 of the Complaint and therefore denies the allegations pursuant to Fed. R. Civ. P.  
18 8(b)(5).

20 71. Ragan is without sufficient information at this time to admit or deny the  
21 allegations in paragraph 71 of the Complaint and therefore denies the allegations pursuant  
22 to Fed. R. Civ. P. 8(b)(5).

24 72. Ragan admits publishing the Ragan Article. Ragan denies the remaining



1 allegations of paragraph 72.

2 73. Ragan admits that the Vickery Article includes the quotes "RCM  
3 masquerades as a legitimate marketing firm while, per their own documentation, being  
4 responsible for up to a billion daily email sends" and "How can a group of about a dozen  
5 people be responsible for one billion emails sent in one day? The answer is a lot of  
6 automation, years of research, and fair bit of illegal hacking techniques". Ragan denies  
7 the remaining allegations of paragraph 73.  
8

9 74. Ragan admits that the Vickery Article includes the statement that "Purposely  
10 throttling your own machinery to amass open connections on someone else's server is a  
11 type of Slowloris attack [[https://en.wikipedia.org/wiki/Slowloris\\_\(computer\\_security\)](https://en.wikipedia.org/wiki/Slowloris_(computer_security))]." Ragan denies the remaining allegations of paragraph 74.  
12  
13  
14

15 75. Ragan admits that the Ragan Article includes the following statements:

- 16 • (quoting Vickery): "Once we concluded that this was indeed related to a  
17 criminal operation, it was decided that we should approach law enforcement and  
18 the affected companies (like Microsoft and Yahoo) before making any attempts  
19 at contacting the spammers directly.  
20
- 21 • "In the RCM chat logs, McKeown is respected for his scripting work. His  
22 efforts enabled RCM to exploit a number of providers in order to inbox offers."  
23
- 24 • "Nobody would knowingly give their email address to spammers, so they have

1 to be tricked into it. Usually, there is some kind of offer for a 'free gift' in  
2 exchange for giving up an email address and personal information. The fine  
3 print of these offers allows the company to share their address with their  
4 'partners' which ends up also being their partner's partners, and their partner's  
5 partner's partners, until every spammer on the planet has their address,'  
6 explained Spamhaus' Mike Anderson. He goes on to explain such address lists  
7 are the lifeblood of the industry, and they're constantly being analyzed through  
8 tracking systems - examining which addresses are viewing spam ads, which  
9 ones are clicking on them, and which ones are buying. 'Meanwhile, the original  
10 contract for handing over the address is never fulfilled, since it turns out to be  
11 impossible to redeem the 'free gift' or only with extreme difficulty. And of  
12 course these addresses never go through a confirmation process, to ensure it's  
13 the real owner of the address doing the signup.'"

14 Ragan denies the remaining allegations of paragraph 75.

15 76. Ragan admits that the Ragan Article included a link to the Vickery Article  
16 but denies the remaining allegations of paragraph 76.

17 77. Denied that the statements above are false. Ragan is without sufficient  
18 information at this time to admit or deny the remaining allegations in paragraph 77 of the  
19 Complaint and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).  
20

1 78. Denied.

2 79-80. Admitted.

3 81-83. Ragan is without sufficient information at this time to admit or deny  
4 the allegations in paragraphs 81-83 of the Complaint and therefore denies the allegations  
5 pursuant to Fed. R. Civ. P. 8(b)(5).

7 84. Ragan hereby incorporates by reference the foregoing paragraphs as though  
8 fully set forth herein.

9 85. Ragan admits Vickery is not an employee of RCM but is without sufficient  
10 information at this time to admit or deny the remaining allegations in paragraph 85 of the  
11 Complaint and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

12 86-90. Ragan is without sufficient information at this time to admit or deny  
13 the allegations in paragraphs 86-90 of the Complaint and therefore denies the allegations  
14 pursuant to Fed. R. Civ. P. 8(b)(5).

15 91. Denied as to Ragan. Ragan is without sufficient information at this time to  
16 admit or deny the allegations in paragraph 91 of the Complaint as they relate to the other  
17 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

18 92. Denied as to any conduct by Ragan. Ragan is without sufficient  
19 information at this time to admit or deny the allegations in paragraph 92 of the Complaint  
20 as they relate to Plaintiff RCM or the other Defendants and therefore denies the

1 allegations pursuant to Fed. R. Civ. P. 8(b)(5).

2 93. Ragan hereby incorporates by reference the foregoing paragraphs as though  
3 fully set forth herein.

4 94. Ragan admits Vickery is not an employee of RCM but is without sufficient  
5 information at this time to admit or deny the remaining allegations in paragraph 94 of the  
6 Complaint and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

7 95-98. Ragan is without sufficient information at this time to admit or deny  
8 the allegations in paragraphs 95-98 of the Complaint and therefore denies the allegations  
9 pursuant to Fed. R. Civ. P. 8(b)(5).

10 99. Denied as to Ragan. Ragan is without sufficient information at this time to  
11 admit or deny the allegations in paragraph 99 of the Complaint as they relate to the other  
12 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

13 100. Denied as to any conduct by Ragan. Ragan is without sufficient information  
14 at this time to admit or deny the allegations in paragraph 100 of the Complaint as they  
15 relate to Plaintiff RCM or the other Defendants and therefore denies the allegations  
16 pursuant to Fed. R. Civ. P. 8(b)(5).

17 101. Ragan admits that RCM seeks punitive and exemplary damages but denies  
18 that RCM is entitled to recover them and denies the remaining allegations of paragraph  
19 101.

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1           102. Ragan admits that RCM seeks attorney's fees but denies that RCM is  
2 entitled to recover them.

3           103. Ragan hereby incorporates by reference the foregoing paragraphs as though  
4 fully set forth herein.

5           104. Ragan admits Vickery is not an employee of RCM but is without sufficient  
6 information at this time to admit or deny the remaining allegations in paragraph 104 of  
7 the Complaint and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).  
8

9           105-107. Ragan is without sufficient information at this time to admit or deny  
10 the allegations in paragraphs 105-107 of the Complaint and therefore denies the  
11 allegations pursuant to Fed. R. Civ. P. 8(b)(5).  
12

13           108. Denied as to Ragan. Ragan is without sufficient information at this time to  
14 admit or deny the allegations in paragraph 108 of the Complaint as they relate to the other  
15 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).  
16

17           109. Denied as to Ragan. Ragan is without sufficient information at this time to  
18 admit or deny the allegations in paragraph 109 of the Complaint as they relate to the other  
19 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).  
20

21           110. Denied as to Ragan. Ragan is without sufficient information at this time to  
22 admit or deny the allegations in paragraph 110 of the Complaint as they relate to the other  
23 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).  
24

1 111. Denied as to any conduct by Ragan. Ragan is without sufficient information  
2 at this time to admit or deny the allegations in paragraph 111 of the Complaint as they  
3 relate to the other Defendants and therefore denies the allegations pursuant to Fed. R.  
4 Civ. P. 8(b)(5).

6 112. Ragan hereby incorporates by reference the foregoing paragraphs as though  
7 fully set forth herein.

8 113. Ragan admits Vickery is not an employee of RCM but is without sufficient  
9 information at this time to admit or deny the remaining allegations in paragraph 113 of  
10 the Complaint and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

12 114-116. Ragan is without sufficient information at this time to admit or deny  
13 the allegations in paragraphs 114-116 of the Complaint and therefore denies the  
14 allegations pursuant to Fed. R. Civ. P. 8(b)(5).

16 117. Denied as to Ragan. Ragan is without sufficient information at this time to  
17 admit or deny the allegations in paragraph 117 of the Complaint as they relate to the other  
18 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

20 118. Denied as to any conduct by Ragan. Ragan is without sufficient information  
21 at this time to admit or deny the allegations in paragraph 118 of the Complaint as they  
22 relate to Plaintiff RCM or the other Defendants and therefore denies the allegations  
23 pursuant to Fed. R. Civ. P. 8(b)(5).

1 119. Ragan admits that RCM seeks punitive and exemplary damages but denies  
2 that RCM is entitled to recover them and denies the remaining allegations of paragraph  
3 119.  
4

5 120. Ragan hereby incorporates by reference the foregoing paragraphs as though  
6 fully set forth herein.

7 121-122. Ragan is without sufficient information at this time to admit or deny  
8 the allegations in paragraphs 121-122 of the Complaint and therefore denies the  
9 allegations pursuant to Fed. R. Civ. P. 8(b)(5).  
10

11 123. Denied as to Ragan. Ragan is without sufficient information at this time to  
12 admit or deny the allegations in paragraph 123 of the Complaint as they relate to the other  
13 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).  
14

15 124. Denied as to Ragan. Ragan is without sufficient information at this time to  
16 admit or deny the allegations in paragraph 124 of the Complaint as they relate to the other  
17 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).  
18

19 125. Denied.

20 126. Denied as to Ragan. Ragan is without sufficient information at this time to  
21 admit or deny the allegations in paragraph 126 of the Complaint as they relate to  
22 Plaintiffs or the other Defendants and therefore denies the allegations pursuant to Fed. R.  
23 Civ. P. 8(b)(5).  
24

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1       127. Ragan hereby incorporates by reference the foregoing paragraphs as though  
2 fully set forth herein.

3       128-129. Ragan is without sufficient information at this time to admit or deny  
4 the allegations in paragraphs 128-129 of the Complaint and therefore denies the  
5 allegations pursuant to Fed. R. Civ. P. 8(b)(5).

6       130. Denied as to Ragan. Ragan is without sufficient information at this time to  
7 admit or deny the allegations in paragraph 130 of the Complaint as they relate to the other  
8 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

9       131. Denied as to Ragan. Ragan is without sufficient information at this time to  
10 admit or deny the allegations in paragraph 131 of the Complaint as they relate to the other  
11 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

12       132. Denied as to Ragan. Ragan is without sufficient information at this time to  
13 admit or deny the allegations in paragraph 132 of the Complaint as they relate to  
14 Plaintiffs or the other Defendants and therefore denies the allegations pursuant to Fed. R.  
15 Civ. P. 8(b)(5).

16       133. Ragan hereby incorporates by reference the foregoing paragraphs as though  
17 fully set forth herein.

18       134. Ragan is without sufficient information at this time to admit or deny the  
19 allegations in paragraph 134 of the Complaint and therefore denies the allegations

1 pursuant to Fed. R. Civ. P. 8(b)(5).

2 135. Denied as to Ragan. Ragan is without sufficient information at this time to  
3 admit or deny the allegations in paragraph 135 of the Complaint as they relate to the other  
4 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

6 136. Denied as to Ragan. Ragan is without sufficient information at this time to  
7 admit or deny the allegations in paragraph 136 of the Complaint as they relate to the other  
8 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

10 137. Denied as to Ragan. Ragan is without sufficient information at this time to  
11 admit or deny the allegations in paragraph 137 of the Complaint as they relate to  
12 Plaintiffs or the other Defendants and therefore denies the allegations pursuant to Fed. R.  
13 Civ. P. 8(b)(5).

15 138. Ragan hereby incorporates by reference the foregoing paragraphs as though  
16 fully set forth herein.

17 139-140. Ragan is without sufficient information at this time to admit or deny  
18 the allegations in paragraphs 139-140 of the Complaint and therefore denies the  
19 allegations pursuant to Fed. R. Civ. P. 8(b)(5).

21 141. Denied as to Ragan. Ragan is without sufficient information at this time to  
22 admit or deny the allegations in paragraph 141 of the Complaint as they relate to the other  
23 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

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1 142. Denied as to Ragan. Ragan is without sufficient information at this time to  
2 admit or deny the allegations in paragraph 142 of the Complaint as they relate to the other  
3 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).  
4

5 143. Denied as to any conversion by Ragan. Ragan is without sufficient  
6 information at this time to admit or deny the allegations in paragraph 143 of the  
7 Complaint as they relate to the Plaintiffs or the other Defendants and therefore denies the  
8 allegations pursuant to Fed. R. Civ. P. 8(b)(5).  
9

10 144. Ragan hereby incorporates by reference the foregoing paragraphs as though  
11 fully set forth herein.

12 145. Ragan admits Vickery is not an employee of RCM but is without sufficient  
13 information at this time to admit or deny the remaining allegations in paragraph 145 of  
14 the Complaint and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).  
15

16 146-148. Ragan is without sufficient information at this time to admit or deny  
17 the allegations in paragraphs 146-148 of the Complaint and therefore denies the  
18 allegations pursuant to Fed. R. Civ. P. 8(b)(5).  
19

20 149. Denied as to Ragan. Ragan is without sufficient information at this time to  
21 admit or deny the allegations in paragraph 149 of the Complaint as they relate to the other  
22 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).  
23

24 150. Denied as to Ragan. Ragan is without sufficient information at this time to

1 admit or deny the allegations in paragraph 150 of the Complaint as they relate to the other  
2 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

3  
4 151. Denied as to Ragan. Ragan is without sufficient information at this time to  
5 admit or deny the allegations in paragraph 151 of the Complaint as they relate to the other  
6 Defendants and therefore denies the allegations pursuant to Fed. R. Civ. P. 8(b)(5).

7 152-153. Ragan is without sufficient information at this time to admit or deny  
8 the allegations in paragraphs 152-153 of the Complaint and therefore denies the  
9 allegations pursuant to Fed. R. Civ. P. 8(b)(5).  
10

11 154. Ragan hereby incorporates by reference the foregoing paragraphs as though  
12 fully set forth herein.

13 155-60. Denied.  
14

15 **Jury Demand**

16 Ragan demands a jury for all claims and admits that Plaintiffs demand a jury as  
17 well.

18 **Plaintiffs' Request for Relief**

19  
20 Ragan denies that Plaintiffs are entitled to any relief in the section of the  
21 Complaint titled "XVI. REQUEST FOR RELIEF".

22 **Affirmative Defenses**

23 Without assuming the burden of proof where it otherwise rests with Plaintiffs,  
24

1 Ragan asserts the following defenses:

2 1. Plaintiffs fail to state a claim upon which relief can be granted.

3 2. Plaintiff RCM is precluded from asserting its state-law claims because it is  
4 not registered to do business with the Washington Secretary of State. *See* RCW  
5 § 23.95.505.  
6

7 3. Plaintiffs failed to mitigate their damages. On information and belief,  
8 Plaintiffs could have used reasonable efforts to mitigate their damages, including without  
9 limitation by not engaging in the conduct that is the subject of the Ragan Article and  
10 Vickery Article.  
11

12 4. Plaintiffs' claims against Ragan are barred due to the privilege of fair  
13 comment on matters of public concern. The statements in the Ragan Article constituted a  
14 fair comment on a matter of public concern, and Ragan did not make them maliciously or  
15 based on false statements of fact.  
16

17 5. In the event that the defendant bears the burden of proving the truth of the  
18 statements at issue, Plaintiffs' claims against Ragan are barred because the statements in  
19 the Ragan Article were true and, at a minimum, substantially true and the gist, or "sting,"  
20 of the Ragan Article was true.  
21

22 6. In the unlikely event of liability on the part of Ragan, punitive and  
23 exemplary damages are unavailable to Plaintiffs under Washington law.  
24

For the foregoing reasons, Defendant Steve Ragan respectfully requests that the Court dismiss Plaintiffs' suit against Ragan, and grant Ragan such other relief to which he may be justly entitled.

s/Kevin J. Curtis, WSBA No. 12085  
WINSTON & CASHATT, LAWYERS  
601 W. Riverside, Ste. 1900  
Spokane, WA 99201  
(509) 838-6131  
Facsimile: (509) 838-1416  
E-mail Address: [kjc@winstoncashatt.com](mailto:kjc@winstoncashatt.com)

Charles L. Babcock IV (*admitted pro hac vice*)  
cbabcock@jw.com  
Texas Bar No. 01479500  
William J. Stowe (*admitted pro hac vice*)  
wstowe@jw.com  
Texas Bar No. 24075124  
JACKSON WALKER L.L.P.  
1401 McKinney Street  
Suite 1900  
Houston, Texas 77010  
(713) 752-4360 (telephone)  
(713) 308-4116 (facsimile)

Attorneys for Defendants CXO Media, Inc. and  
Steve Ragan

DEFENDANT STEVE RAGAN'S ANSWER TO FIRST  
AMENDED COMPLAINT  
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*Winston & Cashatt*  
A PROFESSIONAL SERVICE CORPORATION  
1900 Bank of America Financial Center  
601 West Riverside  
Spokane, Washington 99201  
(509) 838-6131



1 I hereby certify that on July 20, 2018, I electronically filed the foregoing with the  
2 Clerk of the Court using the CM/ECF System which will send notification of such filing  
3 to the following:  
4

5 Jason E. Bernstein - [jake@newmanlaw.com](mailto:jake@newmanlaw.com)  
6 Leeor Neta (*admitted pro hac vice*) - [leeor@newmanlaw.com](mailto:leeor@newmanlaw.com)

7 Attorneys for Plaintiffs

8 Christopher B. Durbin - [cdurbin@cooley.com](mailto:cdurbin@cooley.com)  
9 Matthew D. Brown (*admitted pro hac vice*) - [brownmd@cooley.com](mailto:brownmd@cooley.com)  
10 Amy M. Smith (*admitted pro hac vice*) - [amsmith@cooley.com](mailto:amsmith@cooley.com)

11 Attorneys for Defendant Kromtech Alliance Corporation

12 Edward C. Chung - [Echung@cmmlawfirm.com](mailto:Echung@cmmlawfirm.com)  
13 Attorney for Defendant Chris Vickery

14 s/Kevin J. Curtis, WSBA No. 12085  
15 WINSTON & CASHATT, LAWYERS  
16 Attorneys for Defendants International Data  
17 Group, Inc., CXO Media, Inc. and Steve Ragan  
18 601 W. Riverside, Ste. 1900  
19 Spokane, WA 99201  
20 (509) 838-6131  
21 Facsimile: (509) 838-1416  
22 E-mail Address: [kjc@winstoncashatt.com](mailto:kjc@winstoncashatt.com)  
23  
24